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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,802	03/30/2001	Volker Kettler	TPP 31370	5014

7590 06/25/2002

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EXAMINER

TRAN A, PHI DIEU N

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 06/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,802

Applicant(s)

KETTLER ET AL.

Examiner

Phi D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5&7 6) ☐ Other:

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Drawings

1. The drawings are objected to because figure 1 does not show the connecting line for number 34 to the panels. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

2. The information disclosure statement filed 6/28/2001 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-2, 4-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 lines 3 and 6 “ the top edge”, “in the bottom”, “of the groove-boundary-forming top” are lacking antecedent basis.

Claim 2 line 1 “ the entry edge” is lacking antecedent basis.

Claim 4 lines 1-2 “ the front ends”, the “abutting board” are lacking antecedent basis.

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Lines 3-4 “ in the top useful surface” is indefinite. It is unclear what applicant is trying to claim.

Claim 5 line 2 “between tongue” is indefinite. Should it be “between the tongue”?

Claim 6 lines 2-3, “the edge of locking lip”, “the end groove” are lacking antecedent basis.

Claim 7 “ the groove boundary-forming bottom groove cheek” is lacking antecedent basis.

Claim 8 “the bottom groove cheek” is lacking antecedent basis.

Claim 9 line 1 “porition” is misspelled. Should it be “portion”?

Line 2 “the outer portion” is lacking antecedent basis.

Claim 10 “between tapered surfaces” is indefinite. It is unclear which tapered surfaces are being claimed.

Claim 11 “ the front ends” is lacking antecedent basis.

Claim 12 “ the outer end” is lacking antecedent basis.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who
- has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Thiers et al (2002/0020127).

Per claims 1-9, 11-12, Thiers et al shows a parquet board having a groove and tongue edge profile comprising a projecting tongue (8) on at least one edge of each parquet board, a receding groove (9) on at least one opposite edge of the parquet board, the top edge of the tongue having a projecting locking lip (39, figure 14) running in the longitudinal direction of the tongue, a corresponding locking recess(41) running in the longitudinal direction of the groove being contrived in the bottom edge of the groove-boundary-forming top groove cheek (10), the entry edge of the groove-boundary-forming top groove cheek being provided with a tapered surface (figure 12), the edge of locking lip (39) closet to the free end of the tongue is provided with a tapered surface (39, figure 14), at least one of the front ends of the parquet boards projects forward above the groove and tongue toward the abutting board edge so that when assembled, the boards come into contact with each other in a position in the top useful surface (figures 13-14), a gap between the tongue and the back end of the groove when assembled (figure 14, the gap shown at 9), at least a small gap between the edge of locking lip disposed in the direction of the end groove and the corresponding edge of the locking recess (figure 14, the gap between 39 and 41 as shown), the groove boundary-forming bottom groove cheek being shorter than the top

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groove cheek (11, figure 14), the groove being wider toward the free end of the bottom groove cheek via a tapered surface (figure 14, the tapering where the tongue meeting the lower edge of the groove), the tongue being provided in its root portion with a section of greater thickness(the beginning of the tongue at the section before the lip (39)) which runs into the outer portion of the tongue via a tapered surface (the bottom of the tongue where the tongue tapers upward, figure 14), the parquet board being shaped as a slim elongated rectangle, the edge profile being provided on the opposite longitudinal sides with there being a corresponding wall profile of lower height on the front ends (figure 14), at tapered surface (42, figure 14) at the outer end of the tongue on its bottom side.

Per claim 10, Thiers et al (figure 13) shows the free end of the bottom groove cheek having a tapered surface (the taper above edge 36) which widens the groove, a small gap between tapered surfaces (the tapered surface above edge 36 and the tapered surface of the tongue at corner of section 37) in the assembled position.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different tongue and groove panels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

A handwritten signature in black ink, appearing to read 'Phi Dieu Tran A', with a large, stylized loop at the end.

Phi Dieu Tran A
June 17, 2002